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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/293,011 04/16/99 GORDON

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EXAMINER

HUANG, S

ART UNIT

PAPER NUMBER

2711

DATE MAILED:

03/16/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/293,011

Applicant(s)

Gordon et al.

Examiner

Sam Huang

Group Art Unit

2711



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

- ☒ Claim(s) 1-33 \_\_\_\_\_ is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-33 \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 1, 3
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5, 8, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 5 and 15, applicant recites "second local servers...second links...second viewer receivers... and second storage server" but fails to make any reference to "first" of the above devices in claim 1.

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The claim language in claim 8 is vague and unclear.

Moreover, claims 5 and 15 are rejected since the claims lack proper antecedent basis for the limitation "the first...storage servers." Similarly, claims 7 and 19 are rejected for failing to provide proper antecedent basis for the limitation "the network manager". Claim 2's "data objects" also lacks proper antecedent basis.

Applicant is strongly recommended to review the language of all claims in order to correct additional claim language which also violates 35 U.S.C. § 112.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7, 9-12, 14-22, 24-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoarty et al. (US 5,220,420, hereinafter "Hoarty").

Regarding claim 1, Hoarty discloses a interactive home information network for distributing compressed television programming to subscriber comprising: a plurality of local processing modules or nodes 12 (local servers) to store subsets of the photographic images, video, text, graphical information (viewable data objects); a plurality of links to couple each local node 12 to a plurality of home interface controllers 16 (HIC, viewer receivers) without coupling

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the viewer receivers together, each local node 12 to transmit viewable data objects to the HIC; and at least one headend computer 8 (storage server) to store the viewable data objects and to transmit a subset of the stored data objects to the local nodes 12 responsive to subscriber interactive commands. (Figs. 1 and 2, cols. 5-10).

As for claim 2, Hoarty further teaches a network wherein the headend computer 8 transmits viewable data objects based on priorities determined by the local nodes identity and information content. (Col. 2, lines 45-68, col. 17, lines 43-68).

As for claim 3, Hoarty illustrates local nodes 12 transmitting viewable data objects to a plurality of HIC. (Cols. 11, 12).

As for claim 4, Hoarty provides a network wherein each local node 12 is capable of deleting a first viewable data object to free space to store new viewable data object in response to the priority for the new object being higher than the priority for the first viewable data object. (Col. 8, lines 10-45).

Concerning claim 5, Hoarty shows a network with a plurality of headend computers 8, a plurality of local nodes 12, a plurality of HICs 16 and a regional processing center 4 (hardware manager) to automatically distribute new viewable data objects to the headend computers 8. (Fig. 1).

As for claim 6, Hoarty reveals headend computers 8 capable of transmitting group information to each local node 12 as a single unit and the local nodes 12 are capable of storing and later deleting the group of information. (Col. 8, lines 10-45, cols. 6 and 7).

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As for claim 7, Hoarty addresses data management by providing access to database management systems. (Col. 18, lines 5-17).

Regarding claim 9, Hoarty discloses an interactive home information distributing system. (See comments pertaining to claim 1).

As for claim 10, Hoarty further teaches a network wherein the headend computer 8 transmits particular data objects based on priorities determined by the local nodes identity and information content. (Col. 2, lines 45-68, col. 17, lines 43-68).

Concerning claim 11, Hoarty shows that the particular data objects are updated daily. (Col. 2, lines 46-68).

As for claim 12, Hoarty illustrates local nodes 12 transmitting viewable data objects to a plurality of HIC. (Cols. 11, 12).

As for claim 14, Hoarty provides a network wherein each local node 12 is capable of deleting a first viewable data object to free space to store new viewable data object in response to the priority for the new object being higher than the priority for the first viewable data object. (Col. 8, lines 10-45).

Concerning claim 15, Hoarty shows a network with a plurality of headend computers 8, a plurality of local nodes 12, a plurality of HICs 16 and a regional processing center 4 (hardware manager) to automatically distribute new viewable data objects to the headend computers 8. (Fig. 1).

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Regarding claim 16, Hoarty discloses a network wherein the regional processing center 4 is capable of directly sending data to the local nodes 12. (Col. 6, lines 28-36).

As for claim 17, Hoarty provides a network distributing "multimedia" data and information including full motion video. (Col. 2, lines 45-68). It is inherent that game data objects would be included in the multimedia data and information since providing games would make the system more marketable.

As for claim 18, Hoarty reveals headend computers 8 capable of transmitting group information to each local node 12 as a single unit and the local nodes 12 are capable of storing and later deleting the group of information. (Col. 8, lines 10-45, cols. 6 and 7).

As for claims 19, 25, Hoarty addresses data management by providing access to database management systems. (Col. 18, lines 5-17).

Regarding claim 20, Hoarty discloses an interactive Cable TV system. (Col. 8, lines 45-68).

As for claim 21, Hoarty's system is a star-shaped network. (Fig. 1).

As for claim 22, Hoarty further teaches a network wherein the headend computer 8 transmits viewable data objects based on priorities determined by the local nodes identity and information content. (Col. 2, lines 45-68, col. 17, lines 43-68).

Concerning claim 23, Hoarty provides a regional processing center 4 to automatically distribute new multimedia information and data to the local nodes 12. (Col. 6).

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Claims 26-32 are the method claims of network claims 1-25. Accordingly, claims 26-32 are also rejected for the reasons given in the foregoing paragraphs.

As for claim 33, please refer to comments pertaining to claims 1, 9, and 20.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8, 13, 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoarty.

Regarding claims 8, 13, 23, Hoarty does not specifically address the local nodes 12 restricting viewing of data information based on events, locality or contents. However, the method of restricting access of programming information based on a plurality of criterions is extremely well known in the CATV art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hoarty with restriction programming in order to efficiently edit materials not suitable for certain subscribers.

***Conclusion***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks



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Washington, D.C. 20231

**or faxed to:**

(703) 308-6306 or -6296, (for formal communications; please mark "EXPEDITED PROCEDURE", for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Huang whose telephone number is (703) 305-0627. The examiner can normally be reached on M-Th from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

SH

March 2, 2000

*Andrew Faile*  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700